United States Courts Southern District of Texas ENTERED

JUL 1 2 2004

Michael N. Milby, Clerk of Co

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

In re ENRON CORPORATION SECURITIES LITIGATION	} MDL-1446 } }
MARK NEWBY, et al., Individually and On Behalf of All Others Similarly Situated	Civil Action No. H-01-3624 Consolidated, Coordinated And Related Cases
Plaintiffs	}
VS.	}
ENRON CORP., et al.,	}
Defendants	} }

ORDER ON UNITED STATES' MOTIONS FOR LIMITED STAYS OF SELECTED **DEPOSITIONS**

Pending before the Court are two motions filed by the United States' Enron Task Force, the group in charge of the criminal prosecutions arising out of the fall of Enron Corporation. These motions were filed after the Court's Order of June 1, 2005 (Instrument No. 2181), ruling on the United States' first motion for a limited stay of selected depositions.

The first motion, filed June 10, 2004 (Instrument No. 2193), seeks to stay the depositions of Jim Fallon, Wanda Curry, and John Griebling "until January 1, 2005, or, if necessary, pending the conclusion of trials in a number of criminal cases related to the United States' investigation of the collapse of Enron Corporation. . . ." Instrument No. 2193 at 1-2. The motion states that Fallon and Griebling will be witnesses in the case of United States v. Kenneth Rice, et al., Cr. H-03-93 and that Curry will possibly be a Rule 404(b) witness in that case and, along with Fallon, will testify in the case of United States v. Skilling, et al., Cr. No. H-04-25. Id at 2. The Rice case is currently set for trial October 4, 2004. The Skilling case has not yet been set for trial.

The second motion, originally filed June 23, 2004 and revised and filed June 30, 2004

(Instrument No. 2245), seeks to stay the depositions of John Bloomer, Bill Collins and Arild Holm also

"until January 1, 2005, or, if necessary, pending the conclusion of trials in a number of criminal cases

related to the United States' investigation of the collapse of Enron Corporation. . . ." Instrument No.

2245 at 1-2. All three of these defendants are expected to testify in the *Rice* criminal trial.

The United States argues that it is seeking to stay the deposition of only six witnesses

and implies that once the Rice case has been tried the stay could be dissolved. If this were the

circumstance the Court might be inclined to grant the stay in the spirit of co-operation. Reading between

the lines of the motions, however, the Court gleans that some or all of these six witnesses would be

needed for future criminal cases and that the United States does not intend in the future to limit its

requests for stays to these six witnesses. The United States has presented no new or compelling reasons,

beyond those presented in its May 28, 2004 motion, for deposition stays. The Court has nothing to add

to the reasoning of its Order of June 1, 2004 denying that motion for stay. The Court is sympathetic to

the plight of the United States, but, on balance, given the peculiar circumstances of the discovery in this

multi-district litigation, cannot justify granting the stays the United States requests. Accordingly,

It is hereby ORDERED that the United States' Motion for a Limited Stay of Selected

Depositions (Instrument No. 2193) is DENIED. It is further

ORDERED that the United States' Revised Motion for a Limited Stay of Selected

Depositions (Instrument No. 2245) is DENIED.

Signed at Houston, Texas this 12th day of July, 2004.

MELINDA HARMON

UNITED STATES DISTRICT JUDGE